

1 AMENDMENT TO HOUSE BILL 3112

2 AMENDMENT NO. _____. Amend House Bill 3112 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Sections 9-3, 9-10, and 9-28 as follows:

6 (10 ILCS 5/9-3) (from Ch. 46, par. 9-3)

7 Sec. 9-3. Every state political committee and every
8 local political committee shall file with the State Board of
9 Elections, and every local political committee shall file
10 with the county clerk, a statement of organization within 10
11 business days of the creation of such committee, except any
12 political committee created within the 30 days before an
13 election shall file a statement of organization within 5
14 business days. A political committee that acts as both a
15 state political committee and a local political committee
16 shall file a copy of each statement of organization with the
17 State Board of Elections and the county clerk.

18 The statement of organization shall include -

19 (a) the name and address of the political committee (the
20 name of the political committee must include the name of any
21 sponsoring entity);

22 (b) the scope, area of activity, party affiliation,

1 candidate affiliation and his county of residence, and
2 purposes of the political committee;

3 (c) the name, address, and position of each custodian of
4 the committee's books and accounts;

5 (d) the name, address, and position of the committee's
6 principal officers, including the chairman, treasurer, and
7 officers and members of its finance committee, if any;

8 (e) (Blank);

9 (f) a statement of what specific disposition of residual
10 fund will be made in the event of the dissolution or
11 termination of the committee;

12 (g) a listing of all banks or other financial
13 institutions, safety deposit boxes, and any other
14 repositories or custodians of funds used by the committee;

15 (h) the amount of funds available for campaign
16 expenditures as of the filing date of the committee's
17 statement of organization.

18 For purposes of this Section, a "sponsoring entity" is
19 (i) any person, political committee, organization,
20 corporation, or association that contributes at least 33% of
21 the total funding of the political committee or (ii) any
22 person or other entity that is registered or is required to
23 register under the Lobbyist Registration Act and contributes
24 at least 33% of the total funding of the political committee.

25 A political committee that acts as either (i) a State and
26 local political committee or (ii) a local political committee
27 and that files statements of organization electronically
28 under Section 9-28 is not required to file copies of the
29 statements with the appropriate county clerk if the county
30 clerk has a system that permits access to, and duplication
31 of, statements that are filed with the State Board of
32 Elections.

33 (Source: P.A. 90-495, eff. 1-1-98; 90-737, eff. 1-1-99.)

1 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

2 Sec. 9-10. Financial reports.

3 (a) The treasurer of every state political committee and
4 the treasurer of every local political committee shall file
5 with the Board, and the treasurer of every local political
6 committee shall file with the county clerk, reports of
7 campaign contributions, and semi-annual reports of campaign
8 contributions and expenditures on forms to be prescribed or
9 approved by the Board. The treasurer of every political
10 committee that acts as both a state political committee and a
11 local political committee shall file a copy of each report
12 with the State Board of Elections and the county clerk.
13 Entities subject to Section 9-7.5 shall file reports required
14 by that Section at times provided in this Section and are
15 subject to the penalties provided in this Section.

16 (b) Reports of campaign contributions shall be filed no
17 later than the 15th day next preceding each election
18 including a primary election in connection with which the
19 political committee has accepted or is accepting
20 contributions or has made or is making expenditures. Such
21 reports shall be complete as of the 30th day next preceding
22 each election including a primary election. The Board shall
23 assess a civil penalty not to exceed \$5,000 for a violation
24 of this subsection, except that for State officers and
25 candidates and political committees formed for statewide
26 office, the civil penalty may not exceed \$10,000. The fine,
27 however, shall not exceed \$500 for a first filing violation
28 for filing less than 10 days after the deadline. There shall
29 be no fine if the report is mailed and postmarked at least 72
30 hours prior to the filing deadline. For the purpose of this
31 subsection, "statewide office" and "State officer" means the
32 Governor, Lieutenant Governor, Attorney General, Secretary of
33 State, Comptroller, and Treasurer. However, a continuing
34 political committee that neither accepts contributions nor

1 makes expenditures on behalf of or in opposition to any
2 candidate or public question on the ballot at an election
3 shall not be required to file the reports heretofore
4 prescribed but may file in lieu thereof a Statement of
5 Nonparticipation in the Election with the Board or the Board
6 and the county clerk.

7 (b-5) Notwithstanding the provisions of subsection (b),
8 any contribution of \$500 or more received in the interim
9 between the last date of the period covered by the last
10 report filed under subsection (b) prior to the election and
11 the date of the election shall be reported within 2 business
12 days after its receipt. The State Board shall allow filings
13 under this subsection (b-5) to be made by facsimile
14 transmission. For the purpose of this subsection, a
15 contribution is considered received on the date the public
16 official, candidate, or political committee (or equivalent
17 person in the case of a reporting entity other than a
18 political committee) actually receives it or, in the case of
19 goods or services, 2 days after the date the public official,
20 candidate, committee, or other reporting entity receives the
21 certification required under subsection (b) of Section 9-6.
22 Failure to report each contribution is a separate violation
23 of this subsection. The Board shall impose fines for
24 violations of this subsection as follows:

25 (1) if the political committee's or other reporting
26 entity's total receipts, total expenditures, and balance
27 remaining at the end of the last reporting period were
28 each \$5,000 or less, then \$100 per business day for the
29 first violation, \$200 per business day for the second
30 violation, and \$300 per business day for the third and
31 subsequent violations.

32 (2) if the political committee's or other reporting
33 entity's total receipts, total expenditures, and balance
34 remaining at the end of the last reporting period were

1 each more than \$5,000, then \$200 per business day for the
2 first violation, \$400 per business day for the second
3 violation, and \$600 per business day for the third and
4 subsequent violations.

5 (c) In addition to such reports the treasurer of every
6 political committee shall file semi-annual reports of
7 campaign contributions and expenditures no later than July
8 31st, covering the period from January 1st through June 30th
9 immediately preceding, and no later than January 31st,
10 covering the period from July 1st through December 31st of
11 the preceding calendar year. Reports of contributions and
12 expenditures must be filed to cover the prescribed time
13 periods even though no contributions or expenditures may have
14 been received or made during the period. The Board shall
15 assess a civil penalty not to exceed \$5,000 for a violation
16 of this subsection, except that for State officers and
17 candidates and political committees formed for statewide
18 office, the civil penalty may not exceed \$10,000. The fine,
19 however, shall not exceed \$500 for a first filing violation
20 for filing less than 10 days after the deadline. There shall
21 be no fine if the report is mailed and postmarked at least 72
22 hours prior to the filing deadline. For the purpose of this
23 subsection, "statewide office" and "State officer" means the
24 Governor, Lieutenant Governor, Attorney General, Secretary of
25 State, Comptroller, and Treasurer.

26 (c-5) A political committee that acts as either (i) a
27 State and local political committee or (ii) a local political
28 committee and that files reports electronically under Section
29 9-28 is not required to file copies of the reports with the
30 appropriate county clerk if the county clerk has a system
31 that permits access to, and duplication of, reports that are
32 filed with the State Board of Elections.

33 (d) A copy of each report or statement filed under this
34 Article shall be preserved by the person filing it for a

1 period of two years from the date of filing.

2 (Source: P.A. 90-737, eff. 1-1-99.)

3 (10 ILCS 5/9-28)

4 Sec. 9-28. Electronic filing and availability. The
5 Board shall by rule provide for the electronic filing of
6 expenditure and contribution reports as follows:

7 Beginning July 1, 1999, or as soon thereafter as the
8 Board has provided adequate software to the political
9 committee, electronic filing is required for all political
10 committees that during the reporting period (i) had at any
11 time a balance or an accumulation of contributions of \$25,000
12 or more, (ii) made aggregate expenditures of \$25,000 or more,
13 or (iii) received loans of an aggregate of \$25,000 or more.

14 Beginning July 1, 2003, electronic filing is required for
15 all political committees that during the reporting period (i)
16 had at any time a balance or an accumulation of contributions
17 of \$10,000 or more, (ii) made aggregate expenditures of
18 \$10,000 or more, or (iii) received loans of an aggregate of
19 \$10,000 or more.

20 The Board may provide by rule for the optional electronic
21 filing of expenditure and contribution reports for all other
22 political committees. The Board shall promptly make all
23 reports filed under this Article by all political committees
24 publicly available by means of a searchable database that is
25 accessible through the World Wide Web.

26 The Board shall provide all software necessary to comply
27 with this Section to candidates, public officials, political
28 committees, and election authorities.

29 The Board shall implement a plan to provide computer
30 access and assistance to candidates, public officials,
31 political committees, and election authorities with respect
32 to electronic filings required under this Article.

33 The Board shall by rule provide for the optional filing

1 by electronic means of statements of organization required
2 under this Article to be filed with the State Board.

3 For the purposes of this Section, "political committees"
4 includes entities required to report to the Board under
5 Section 9-7.5.

6 (Source: P.A. 90-495, eff. 8-18-97; 90-737, eff. 1-1-99.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law."